

December 1, 2020

MEMO ENDORSED

Via ECF

Hon. Denise L. Cote
United States District Court
Southern District of New York
500 Pearl Street, Room 1910
New York, NY 10007

Re: *Picard v. Clark*, No. 19 Civ. 3059 (DLC)

Dear Judge Cote,

We represent Plaintiff in the above-referenced action. We are writing to request a 19-day extension of time on the deadline to file Plaintiff's petition for attorneys' fees, related nontaxable expenses, and taxable expenses. This is the third motion for an extension of time on Plaintiff's fees and costs petition.

Judgment was entered in Plaintiff's favor in this matter on August 14, 2020. Pursuant to Federal Rule of Civil Procedure 54(d)(2) and Local Rule 54.1, the deadline for Plaintiff to submit a motion for attorneys' fees and related nontaxable expenses was August 28, 2020, and the deadline for Plaintiff to seek taxable costs was September 14, 2020. On August 19, 2020, the Court extended Plaintiff's deadline to file the fees and costs petition to 21 days after the final day to appeal from a judgment in this action. On October 1, the Court extended Plaintiff's deadline to file the fees and costs petition to December 4, 2020. The Court further ordered that Defendants must file their opposition memoranda by December 21, 2020, and that Plaintiff must file his reply memorandum by January 8, 2021.

Plaintiff and Defendant Clark are currently awaiting a response from Defendant Magliano regarding Plaintiff's proposed settlement terms. All parties have agreed to negotiate in good faith, in the hope that they can resolve Plaintiff's fees and costs petition without resort to further litigation. With these considerations in mind, Plaintiff respectfully requests a 19-day extension on his fees and costs petition deadline, to December 23, 2020.

Defendant Clark consents to the proposed extension request on the condition that, because of scheduling conflicts arising as a result of previously-scheduled work commitments and the intervening winter holidays, the deadline to file Clark's papers in response is extended to January 15, 2020. Defendant Magliano consents to Plaintiff's requested extension, and respectfully requests that his response date be extended



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from December 21, 2020, to January 15, 2021. If these extensions are granted, Plaintiff respectfully requests that the deadline to file his reply memorandum be extended from January 8, 2021 to February 1, 2021.

We appreciate the Court's attention to this matter.

Granted. The proposed schedule governs.
There shall be no further extensions.
Dated: December 2, 2020



DENISE COTE

United States District Judge

Respectfully submitted,

/s/ Brian Hauss

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CC: All Counsel (by ECF)